IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

MONDAY, THE 22ND OCTOBER 2007 / 30TH ASWINA 1929

WP(C).No. 22827 of 2007(P)

PETITIONER:

K. RAMACHANDRAN NAIR, AGED 67 YEARS,
S/O. KRISHNA PILLAI, T.C.NO.35/106,VALSAMANDIRAM,
VETTAMUKKU, THIRUMALA P.O.,THIRUVANANTHAPURAM.

BY ADV. SRI.THIRUMALA P.K.MANI

RESPONDENTS:
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1. SUB INSPECTOR OF POLICE,
VATTIYOORKAVU POLICE STATION,THIRUVANANTHAPURAM.

2. CITY POLICE COMMISSIONER,
THIRUVANANTHAPURAM CITY, THIRUVANANTHAPURAM.

3. VALSALA MADHU, D/O. PONNAMMA,
AGED 39 YEARS, NOW RESIDING AT 44/123,
GROUND FLOOR, S.R.M. ROAD, KOCHI-682 015.

4. T. MILAN, AGED 50 YEARS,
TIMBER MERCHANT, NEDUMANGADU,THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. SALIM P.A.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 22827/2007 P

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE PLAINT IN OS NO. 903/2007.

EXT.P2. COPY OF THE INJUNCTION ORDER DT. 3/5/07 IN IA NO. 1520/2007.

EXT.P3. COPY OF THE PETITION FILED BY THE PETITIONER BEFORE THE R1 AND R2 AND THE DIRECTOR GENERAL OF POLICE ON 07/07/2007.

RESPONDENT'S EXHIBITS

NIL.

True copy

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K.BALAKRISHNAN NAIR & T.R.RAMACHANDRAN NAIR, JJ.

Writ Petition (C) No.22827 of 2007-P

Judgment

Balakrishnan Nair, J.

The petitioner has approached this Court, seeking the following relief :

> *"i. issue a writ of mandamus or any other appropriate writ or order commanding the respondents 1 and 2 to afford sufficient and adequate police protection from forcibly evicting him and his family from building bearing TC No.35/106 which situates in 6 cents of property in Sy. No.94/7, Thirumala Village, Thiruvananthapuram and protection to the life of the petitioner and his family."*

The petitioner has already moved the civil court by filing OS No.903/07 against dispossession by force from the property in his possession and the civil court has granted an ex parte interim injunction order, a copy of which is produced as Ext.P2. In view of the above interim order of the civil court, the Police have no role to play in the dispute between the petitioner and respondents 3 and 4. If the order of interim injunction is violated, the petitioner has to work out his

remedy before the civil court. The Police cannot be directed to meddle in the dispute of alleged violation of the interim injunction of the civil court. In the result, the Writ Petition is dismissed without prejudice to the contentions of the petitioner and his right to seek reliefs before the civil court.

K.BALAKRISHNAN NAIR,JUDGE

22.10.2007 **T.R.RAMACHANDRAN NAIR, JUDGE**

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